

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) B.C., a minor child, by and through)
her mother and next friend,)
LEANNE CAMPBELL,)
Plaintiff,)
vs.)
Case No. 24-cv-00059-SH
(1) INDEPENDENT SCHOOL DISTRICT)
NO. 33 OF CREEK COUNTY, OKLAHOMA,)
(a.k.a. "SAPULPA PUBLIC SCHOOLS"))
(2) JOHNNY BILBY, an individual,)
Defendants.)

NOTICE OF REMOVAL

To the United States District Court for the Northern District of Oklahoma:

Pursuant to 28 U.S.C. §§ 1441, 1443, 1446, FED. R. CIV. P. 81, LCvR 81-1, and 81-2, Defendant Independent School District No. 33 of Creek County, Oklahoma a/k/a Sapulpa Public Schools (“School District”) removes this action pending in the District Court for Creek County, Oklahoma, to this Court, and accordingly states:

1. An action has been brought by B.C., a minor child, by and through her mother and next friend, Leanne Campbell (the “Plaintiff”) against Defendants School District and Johnny Bilby in the District Court of Creek County, Oklahoma, styled *B.C., a minor child, by and through her mother and next friend, Leanne Campbell v. Independent School District No. 33 of Creek County, Oklahoma a/k/a Sapulpa Public Schools, and Johnny Bilby, an individual*, Case No. CJ-2023-109 (the “State Court Action”).

2. Pursuant to 28 U.S.C. § 116(b), Creek County is within the federal judicial district served by the United States District Court for the Northern District of Oklahoma.

3. The Defendant School District first received copies of the Plaintiff's Second Amended Petition on January 25, 2024. Plaintiff's Second Amended Petition asserts a claim against the School District for violation of Title IX, 20 U.S.C. § 1681(a) and against the School District and Mr. Bilby for constitutional violations pursuant to 42 U.S.C. § 1983. Specifically, Plaintiff has alleged violations of her Fifth and/or the Fourteenth Amendment rights. Plaintiff also alleges claims for relief under Oklahoma law.

4. The Notice of Removal is being filed on February 14, 2024, which is within thirty (30) days after receipt by the Defendant of Plaintiff's Amended Petition in the State Court Action. This Notice of Removal is, therefore, timely. 28 U.S.C. § 1446(b).

5. Pursuant to 28 U.S.C. § 1331, the United States District Court for the Northern District of Oklahoma has original jurisdiction over the Plaintiff's constitutional claims pursuant to 28 U.S.C. § 1983 against the Defendants.

6. The United States District Court for the Northern District of Oklahoma also has supplemental jurisdiction, pursuant to 28 U.S.C. § 1337, over any claims advanced by Plaintiff under Oklahoma law which arise out of the same case or controversy as her federal claims.

7. Pursuant to 28 U.S.C. §§ 1441, removal of the State Court Action to the United States District Court for the Northern District of Oklahoma is proper.

8. Further, pursuant to 28 U.S.C. § 1446(b)(2)(A), Defendant Johnny Bilby advises that he consents to this removal.

9. All documents filed or served from the State Court Action, along with a copy of the state court docket sheet, are attached to this Notice of Removal and made a part hereof as Exhibits 1 through 18. 28 U.S.C. § 1446(a); LCvR 81-2.

10. The Defendant School District demands **TRIAL BY JURY**.

Respectfully submitted,

ROSENSTEIN, FIST & RINGOLD

By: s/John E. Priddy
John E. Priddy, OBA No. 13604
Lindsey E. Albers, OBA No. 19394
525 South Main, Suite 700
Tulsa, OK 74103
Telephone: (918) 585-9211
Facsimile: (918) 583-5617
johnp@rfrlaw.com
lalbers@rfrlaw.com

*Attorneys for the Defendant, Independent School
District No. 33 of Creek County a/k/a Sapulpa
Public Schools*

CERTIFICATE OF SERVICE

I hereby certify that on February 14th, 2024, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants, to:

Daniel E. Smolen
Smolen & Roytman
701 S. Cincinnati Ave.
Tulsa, OK 74119

Kurt G. Arras
900 Reunion Center
Nine East Fourth Street
Tulsa, Oklahoma 74103

-and-

Mary R. Bundren
BUNDREN LAW FIRM, P.C.
900 Reunion Center
Nine East Fourth Street
Tulsa, OK 74103

Attorneys for Plaintiff

s/John E. Priddy

John E. Priddy